

**DURHAM, NORTH CAROLINA  
MONDAY, SEPTEMBER 20, 1999  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: Council Members Blyth and Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Tennyson called the meeting to order and at this time, the following proclamations were read: "National Day of Remembrance for Murder Victims" in Durham on Saturday, September 25, 1999 and "Minority Enterprise Development Week" in Durham September 20-24, 1999. Also, Mayor Tennyson presented a Certificate of Appreciation to Boy Scout Troop #440 for their work on the Eagle Scout Storm Drain Identification Project.

Several Council Members commended the City staff for working with the County during Hurricane Floyd. Council Member McKissick thanked all the participants during the recent Centerfest activities.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell recognized Kendall Abernathy of the Housing Department. Mrs. Abernathy informed the council of a recent Weed and Seed Strategy Grant received in the amount of \$225,000.

City Manager Ewell noted he had received a formal request from the State asking that the city assist by sending employees to help in Eastern North Carolina [firefighters; animal control; inspection personnel]. Mr. Ewell stated the city administration will be working along with the county in assisting Eastern North Carolina.

City Manager Ewell requested a closed session after the regular business of council to discuss a claim regarding a real estate matter.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to go into closed session after the regular meeting of Council to discuss a claim regarding a real estate matter was approved at 7:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller.

Noes: None. Absent At Time of Vote: Council Member Griffin.  
Absent: Council Members Blyth and Engelhard.

Mayor Pro Tempore Clement asked that the City of Durham direct their efforts toward assisting Princeville, North Carolina.

There were no priority items from the City Attorney and City Clerk.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. The Mayor noted the revisions to the Consent Items 1; 10; and 13. **[No items were pulled from the Consent Agenda]**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Consent Agenda as amended was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

#### **[CONSENT AGENDA]**

##### **SUBJECT: DOWNTOWN MASTER PLAN**

To receive the Consultant's final plan presentation of the Downtown Durham Master Plan.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this matter to the September 30, 1999 Committee-of-the-Whole Meeting was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

##### **SUBJECT: RESOLUTION OF THANKS TO STEVE R. SONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Clerk to draft a resolution of thanks to Steve R. Sons for his work as Chair of the Durham Workforce Development Board was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: DESIGNATION OF VOTING DELEGATES - NORTH CAROLINA LEAGUE  
OF MUNICIPALITIES ANNUAL CONFERENCE, OCTOBER 24-26, 1999,  
GREENSBORO, NORTH CAROLINA**

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint Mayor Nicholas J. Tennyson as Voting Delegate and Council Member Tyrone Cox as Alternate Voting Delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Monday, October 25, 1999 was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: DESIGNATION OF VOTING DELEGATES - ANNUAL CONGRESS OF  
CITIES, NOVEMBER 30 - DECEMBER 4, 1999, LOS ANGELES,  
CALIFORNIA**

**MOTION** by Council Member Larson seconded by Council Member Miller to appoint Council Member Mary D. Jacobs as Voting Delegate and Council Member Erick Larson, II as Alternate Voting Delegate to attend the National League of Cities' Annual Business Meeting on Saturday, December 4, 1999 at the Congress of Cities in Los Angeles, California was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: SITE PLAN APPROVAL - WEST POINT VILLAGE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve a site plan for the commercial core buildings within West Point Village, as shown on the approved Development Plan. Three buildings are proposed: the main, one-story commercial building, totaling 59,826 square feet, paralleling Roxboro Road; the two-story, split entrance building, with 12,100 square feet of commercial on one level and 12,100 square feet of office on the other; and a 10,465 square foot, 192-student day care center, within the OI-2(D) portion of the site was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard. **Note:** This Phase 1 contains 10.93 acres, located on the northeastern corner of Roxboro and Infinity Roads. (All or portions of parcels shown on Tax Map 804-3-3, 804-8-13, 11A, 12A,

17), zoned SC(D) and OI-2(D), and is within the Eno-B protected watershed overlay.)

**SUBJECT: ENFORCEMENT PLAN FOR THE DISPOSAL BAN ON TARGET  
RECYCLABLES**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration on the status of the disposal ban education and implementation schedule and to approve the enforcement plan was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: VOLUNTEER SERVICES REPORT**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive the Volunteer Services Report from the Administration was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: RESCINDING RESOLUTION ORDERING A CERTAIN LOCAL  
IMPROVEMENT - SIDEWALK ON MIAMI BOULEVARD (WEST SIDE)  
FROM DREW STREET TO JUNIPER STREET, MIAMI BOULEVARD (EAST  
SIDE) FROM NORTH PROPERTY LINE OF TAX MAP 145-4-18 TO  
HARVARD AVENUE, AND MIAMI BOULEVARD (WEST SIDE) FROM  
LIBERTY STREET TO EAST MAIN STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to rescind the resolution ordering the installation of a sidewalk on Miami Boulevard (West Side) from Drew Street to Juniper Street, Miami Boulevard (East Side) from north property line of Tax Map 145-4-18 to Harvard Avenue, and Miami Boulevard (West Side) from Liberty Street to East Main Street was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: CONTRACT FOR AFTERSCHOOL SERVICES - DURHAM AREA MENTAL  
HEALTH, DEVELOPMENT DISABILITIES AND SUBSTANCE ABUSE  
AUTHORITY (THE DURHAM CENTER)**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract for the City to provide afterschool services for Durham Area Mental Health, Development Disabilities and Substance Abuse Authority, doing business as "The Durham Center"; and

To authorize the City Manager to make changes to the contract with The Durham Center such that the amount the City is to be paid is not lessened and the obligations of the City under the contract are not increased was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: STATUS REPORT ON TRAFFIC SIGNALS AT ALSTON AVENUE/TAYLOR STREET, FAYETTEVILLE STREET/ELMIRA AVENUE AND HOPE VALLEY ROAD/SOUTH ROXBORO STREET**

To receive a status report from the Administration concerning the traffic signals at Alston Avenue/Taylor Street, Fayetteville Street/Elmira Avenue and Hope Valley Road/South Roxboro Street.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this item to the September 27, 1999 Public Works Committee Meeting was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: LONG-RANGE TRANSPORTATION PLAN STATUS REPORT**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning the lapse of the regional Transportation Plan and the potential impacts on Federal and State transportation funding sources was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: LAND USE PLANNING INSTITUTE'S ANNUAL MEETING**

**MOTION** by Council Member Larson seconded by Council Member Miller to direct the City Manager, on behalf of the Durham City Council,

to invite the American Bar Association/American Law Institute to hold its Land Use Planning Institute's Annual Meeting in Durham in 2001 or some following year was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: UPDATED STATUS REPORT ON YEAR 2000 PROJECT**

To receive an updated status report on the Year 2000 Project.

**MOTION** by Council Member Larson seconded by Council Member Miller to continue this matter to the September 30, 1999 Committee-of-the-Whole Meeting was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: BIDS - CONTRACT EXTENSION FOR TREE PRUNING, REMOVAL AND EMERGENCY SERVICES - (ASPLUNDH TREE EXPERT COMPANY)**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to extend the present contract with Asplundh Tree Expert Company in the amount of \$100,800 for furnishing the City with tree pruning, removal and emergency services; and

To authorize the City Manager to modify the contract before execution provided that the modifications are consistent with the general intent of the existing version of the contract was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - GERARD STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Gerard Street beginning at the south curb line of Duke University Road, if extended, south to the end of City maintenance was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller.

Noes: None. Absent At Time Of Vote: Council Member Griffin.  
Absent: Council Members Blyth and Engelhard.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - GLENDALE AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Glendale Avenue beginning at the north curb line of Markham Avenue, if extended, north to Brookline Street was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT -HANSON ROAD**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Hanson Road beginning at the west curb line of Fayetteville Street, if extended, and extending to the end of City maintenance was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - JACKSON STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance authorizing a speed limit of 25 mph on Jackson Street beginning at the west curb line of Kent Street, if extended, west to the end of City maintenance was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: CONTROLLED PARKING RESIDENTIAL AREA - MARTHA STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish a Controlled Parking Residential Area on both sides of Martha Street between Fayetteville Street and Lincoln Street was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley,

Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: HANDICAPPED PARKING - BEAMON STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish handicap parking on the north side of Beamon Street beginning in the area at a point 25 feet west of the west curb line of South Roxboro Street, if extended, and extending for a distance of 35 feet westwardly was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: HANDICAPPED PARKING - DUPREE STREET**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance to establish handicap parking on the south side of Dupree Street beginning in the area at a point 374 feet west of the west curb line of Lincoln Street, if extended, and extending for a distance of 35 feet westwardly was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: SETTING PUBLIC HEARINGS FOR THE CONFIRMATION OF CERTAIN ASSESSMENT ROLLS**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt resolutions setting public hearings on Monday, October 4, 1999 for confirmation of the following assessment rolls was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

- a. **Sidewalk - Liberty Street (South Side)** from Goose Creek, west of Hyde Park Avenue, to Driver Street;
- b. **Sidewalk - Guthrie Avenue (East R-0-W)** from Holloway Street south to Liberty Street;



- c. **Sidewalk - Liberty Street (South Side)** from Briggs Avenue (East) to Gary Street, Tax Map 149, Block 5, Lot 9; and
- d. **Sidewalk - Liberty Street (South Side)** from Briggs Avenue (West) to Park Avenue.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING SEWER MAIN ON HARDEE STREET FROM LANDON STREET TO SOUTH PROPERTY LINE OF TAX MAP 223-1-13 UNDER ENABLING ACT AUTHORITY**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution setting a public hearing on Monday, October 4, 1999 to consider ordering sewer main on Hardee Street from Landon Street to south property line Tax Map 223-1-13 under the Enabling Act Authority was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: SETTING PUBLIC HEARING TO CONSIDER ORDERING WATER MAIN ON HARDEE STREET FROM LANDON STREET TO FISKE**

**MOTION** by Council Member Larson seconded by Council Member Miller to accept a Certificate of Sufficiency from the Manager of Engineering for the petition for water main on Hardee Street from Landon Street to Fiske Street; and

To adopt a resolution setting a public hearing on Monday, October 4, 1999 to consider ordering water main on Hardee Street from Landon Street to Fiske Street was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE**

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the official minutes of the August 2, 1999 and September 7, 1999 City Council Meetings was approved at 8:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: Sidewalk - East Main Street (South Side)** from Briggs Avenue East to East Property Line of Tax Map 152-1-52

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, Lee Murphy of the Public Works Department, requested that the following properties be referred to the Public Works Committee for further consideration: Myrtle Briggs; Marcia Painter and Wayne & Jenette Gornto.

There being no further objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on East Main Street (south side) from Briggs Avenue east to east property line of Tax Map 152-1-52 and to refer the properties of Briggs; Painter and Gornto to the Public Works Committee for further consideration was approved at 8:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: Sidewalk - Alston Avenue (East Side)** from Liberty Street to Holloway Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Alston Avenue (east side) from Liberty Street to Holloway Street was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: Sidewalk - Alston Avenue (East Right of Way)** from

Existing Sidewalk on NC 55 South to Rocky Creek Bridge

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Alston Avenue (East Right of Way) from existing sidewalk on NC 55 south to Rocky Creek Bridge was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: Sidewalk - Lawson Street (North Side)** from South Briggs Avenue to Bacon Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sidewalk on Lawson Street (North Side) from South Briggs Avenue to Bacon Street was approved at 8:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: Sidewalk - Acadia Street** from North Property Line of Tax Map 108-5-7 South 66 Feet to Existing Sidewalk

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sidewalk on Acadia Street from north property line of Tax Map 108-5-7 south 66 feet to existing sidewalk was approved at 8:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member

Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: Curb, Gutter and Paving - Dodsworth Court** from Lochn'ora Parkway South to Cul-de-sac

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering curb, gutter and paving on Dodsworth Court from Lochn'ora Parkway south to cul-de-sac was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: 1998-99 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME CONSORTIUM PERFORMANCE EVALUATION PUBLIC HEARING**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Mickey Brown, Chair of the Citizens Advisory Committee, spoke in support of this item.

A citizen voiced concern regarding his inability to get information from the Housing Department.

The Mayor asked Kendall Abernathy to assist the citizen with his concerns.

Mayor Tennyson asked if there was anyone else present wishing to speak on this item.

The public hearing was closed by the Mayor.

**MOTION** by Council Member Larson seconded by Council Member Cox to receive a report from the Administration concerning the 1998-99 Consolidated Annual Performance and Evaluation Report (CAPER); and

To receive citizens' comments on the 1998-99 Consolidated Annual Performance and Evaluation Report; and

To authorize the City Manager to submit the CAPER to the Department of Housing and Urban Development was approved at 8:11 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: STREET CLOSING - 8,323 SQUARE FEET OF ALLEY [UNNAMED]  
WEST OF BROAD STREET (SC99-5)**

To adopt an order permanently closing 8,325± square feet of an alley west of Broad Street.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Tom Miller and Frances Fulwood spoke in support of this street closing.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an order permanently closing 8,325± square feet of an alley west of Broad Street was approved at 8:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**NOTE: The Public Works Committee voted to recommend to City Council that the following matter be referred back to Public Works Committee for additional discussion/consideration and that the public hearing be postponed and rescheduled at some future date.**

**SUBJECT: URBAN GROWTH AREA (UGA) BOUNDARY**

To hear citizens' comments regarding proposed amendments to the Urban Growth Area Boundary to incorporate the Russell Road Area UGA expansion, the Hamlin Road Area UGA contraction, the Southeast Durham UGA contraction (Option 3) and the minor UGA changes.

Steve Bocckino asked council to abandon the minor adjustments to the Urban Growth Boundary.

**MOTION** by Council Member Miller seconded by Council Member Cox to refer this item to the Public Works Committee for additional discussion/consideration and that the public hearing be postponed and rescheduled at some future date was approved at 8:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley,

Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-33, E. T. DEVELOPMENT CORPORATION,  
WEST SIDE OF BARBEE ROAD SOUTH OF OBIE DRIVE**

Case: P99-33 (Public hearing continued from the September 7, 1999 City Council Meeting)

Applicant: E. T. Development Corporation

Location: 17.28 acre site located on the west side of Barbee Road south of Obie Drive (Tax Map 520, Block 3, Lots 10, 11, 12, 12A, 24)

Request: Rezoning from R-20 (Single Family Residential) (F/J-B) to PDR 3.07 (Planned Density Residential, 3.07 units per acre) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as PDR 3.07 (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (4-3)

City Manager's Recommendation: Approval

Vonda Frantz, of the City/County Planning Department, stated the developer submitted a revised development plan with three new notes. She also noted that four items were not appropriate to be placed on the plan.

The public hearing was opened by the Mayor.

**Proponents**

Larry Thomas, the applicant, noted that Items 11-13 would be included on the development plan and Items 7-10 would be covered under the restrictive covenant. Also, Mr. Thomas noted the only change since this item last appeared before the Council is the increase in the numbers of trees.

Andrew Thomas, a resident of Barbee Road, stated he was satisfied with the enforceability of the items as stated by the applicant. Also, Mr. Thomas noted he was comfortable with note on the plan relative to the minor realignment of the driveway.

Mayor Tennyson closed the public hearing.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Council Member Miller.

Council Member Larson noted the development indicates that the applicant will be increasing the number of trees. Council Member Larson asked if a site plan is approved which reflects a lower density of trees, which document would be the controlling factor.

Vonda Frantz, of the City/County Planning Department, noted the site plan will be required to conform with the development plan.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 (F/J-B) and placing same in and establishing same as PDR 3.07 (F/J-B) was approved at 8:29 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent At Time Of Vote: Council Member Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-1, ANTHONY OKORO, 2915 HOLLOWAY STREET**

Case: P99-1

Applicant: Anthony Okoro

Location: The site is located at 2915 Holloway Street, on the north side of Highway 98, just west of Lynn Road (Tax Map 387, Block 1, Lots 3, 4)

Request: Rezoning from NC (Neighborhood Commercial District) (F/J-B) to GC(D) (General Commercial District with a Development Plan) (F/J-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of NC (F/J-B) and placing same in and establishing same as GC(D) (F/J-B).

Zoning Committee's Recommendation and Vote: Approval (7-0), subject to changes in conformance with City policy.

City Manager's Recommendation: Denial, due to the applicant not providing changes as approved by the Zoning Committee

Vonda Frantz, of the City/County Planning Department, noted the staff recommended denial of this request due to the applicant's unwillingness to provide sidewalks and shared driveway location as stated in city policy. Ms. Frantz noted the items in question were site plan issues and the applicant claims the requested items are not feasible to apply to the site. Ms. Frantz noted if the sidewalks and shared driveway location is determined not feasible

at the time of the site plan approval, then whatever adjustments needed can be made.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponents**

Sam Hodges, representing the applicant, noted they have reached an impasse on the sidewalk and shared driveway issues. Mr. Hodges stated the owner would prefer that the sidewalk construction be deferred until such time as sidewalks are put in the area. Mr. Hodges stated the applicant is requesting payment in lieu of construction [money be placed in escrow account with the city until such time the sidewalk is built]. Mr. Hodges stated the existing driveway is about 30 feet or so away from the existing property line on the eastside. He asked that the driveway entrance be placed about 25 feet to the west of the east property line in order to facilitate the entrance and exit on the site. Mr. Hodges noted to place the driveway at the edge of the property would create some on site traffic difficulty which they feel would be undesirable.

Anthony Okoro, the applicant, noted he did not refuse to construct the sidewalk. He stated he wanted payment in lieu of construction and when the sidewalk is built it will be built to conform with the other sidewalks. He noted if the sidewalk is constructed now, no one will use it and it would not make any sense for him to build something that no one will be using. Mr. Okoro stated if he placed the driveway in the location noted by the Planning staff, it would be dangerous.

No one spoke in opposition.

Council Member Jacobs asked the staff to comment on the safety issue regarding the placement of the driveway.

Dick Hails, of the City/County Planning Department, stated when there are small non-residential lots along major thoroughfares the staff tries very hard to have them share an access point from the major road so that every little lot doesn't generate its own driveway. Mr. Hails noted the specific design of the access point [angle of the property line, grades; etc.] is generally worked out during site plan review, but because the applicant had a problem with the condition on the development plan it becomes a zoning issue even though the details are worked out at site plan review.

Mr. Hail stated you cannot require an applicant to place a note on the development plan that he does not agree to. Mr. Hails stated the staff felt comfortable that the driveway can be designed in a way that is safe.

Council Member McKissick noted there were provisions for the



applicant to pay in lieu of construction.

Earl Lewellyn, of the Transportation Division, stated there are provisions in the ordinance that allows the city to accept payment in lieu of sidewalks. Mr. Lewellyn noted that the Development Review Board's use of payment in lieu of has been with cases where the sidewalk is not able to be constructed. He stated the staff felt it was important to get the sidewalks constructed as opposed to banking the monies.

Council Member McKissick asked if there were any potential existing connections close to the property in question.

Vonda Frantz, of the City/County Planning Department, stated there were none close to the site. Ms. Frantz stated there was an improvement plan for Highway 98 but she was not sure of the time frame.

Sam Hodges stated he was willing, along with Mr. Okoro, to work and find a solution that would be agreeable. He noted in order to get the rezoning a decision relative to the sidewalks and shared driveway needed to be finalized now.

Earl Lewellyn, of the Transportation Division, stated there was a note on the plan regarding the sidewalks stating that the location is illustrative and will be determined in the \_\_\_\_\_ based on grades and adverse conditions.

The applicant asked that this rezoning case be continued allowing him to work with the administration.

**MOTION** by Council Member McKissick seconded by Council Member Langley to continue the public hearing without further advertisement to the October 18, 1999 City Council Meeting to allow the applicant to work with staff was approved at 8:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-35, PANATTONI DEVELOPMENT COMPANY,  
PORTION OF FORMER GE SITE, BETWEEN LUMLEY ROAD AND T. W.  
ALEXANDER DRIVE (SOUTHERN PARKWAY)**

Case: P99-35

Applicant: Panattoni Development Company

Location: 96 acre portion of former GE site, between Lumley Road and T. W. Alexander Drive (Southern Parkway) (Tax Map 579-1-1B partial)

Request: Rezoning from OI-2 (General Office and Institutional

District) and SC (Shopping Center District) to I-2(D) (Light Industrial District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and SC and placing same in and establishing same as I-2(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

### **Proponents**

Sharon Scroggin, representing the applicant, spoke in support of the request. Ms. Scroggin stated the rendering before the council was illustrative and is being attached to the plan.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and SC and placing same in and establishing same as I-2(D) was approved at 8:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-36, REDZONE, LLC, SITE LOCATED ON THE SOUTH SIDE OF CLUB BOULEVARD EAST OF ROXBORO ROAD, OPPOSITE THORNE STREET**

Case: P99-36

Applicant: Redzone, LLC

Location: 29.88 acre site located on the south side of Club Boulevard east of Roxboro Road, opposite Thorne Street. (Tax Map 217, Block 1, Lot 1D)

Request: Rezoning from R-5(D) (Single Family Residential District, 5,000 Square Foot Lots with a Development Plan) and GC(D) (General Commercial District with a Development Plan) to RM-8(D) (Multifamily Residential District, 8 Units per Acre with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same

being Chapter 24 of the Durham City Code, by taking the above described property out of R-5(D) and GC(D) and placing same in and establishing same as RM-8(D).

Zoning Committee's Recommendation and Vote: Approval (6-1)

City Manager's Recommendation: Denial

Vonda Frantz, of the City/County Planning Department, provided Council with a Land Use Map. Ms. Frantz stated the staff recommended denial because the North Durham Plan calls for commercial in the area being requested to be rezoned and the existing commercial zone seems compatible with the surrounding uses. Also, Ms. Frantz noted that the Zoning Committee felt this was not suited for commercial use.

### **Proponents**

Ron Horvath, representing the applicant, spoke in support of the request. Mr. Horvath noted the plan is in conformance with the 2020 Plan and he realized the request was not in conformance with the North Durham Plan which calls for general commercial. Mr. Horvath explained the features of the project and noted how a residential use would fit in with neighboring residential uses, buffers and providing a greenway easement.

No one spoke in opposition.

Council Member Langley spoke in opposition to the request. She stated more commercial development was needed in the area to create jobs.

Dick Hails, of the City/County Planning Department, noted that the staff felt commercial in the area continuing along the north side of Ellerbee Creek would probably be more beneficial to the community.

Discussion was held on the North Durham Plan; commercial zoning; residential zoning; and transition zoning.

Council Member Jacobs expressed council with the traffic impact.

Earl Lewellyn, of the Transportation Division, noted the staff has requested that the applicant provide a left-turn lane on Club Boulevard at the site entrance.

Council Member Burnette asked the administration what suggestions did they have for commercial development in the area.

Dick Hails stated nothing specific; however, they realized that having the K-Mart and the Shopping Center anchor on Roxboro Road and areas moving further east toward the transfer station and the

city facilities - there were numerous development sites along both Camden and East Club which could provide some employment opportunities/service opportunities.

Mayor Pro Tempore Clement spoke in support of the rezoning request. He noted in the absence of another proposal being suggested for this area the request before the council was a good proposal.

A motion was made by Mayor Pro Tempore Clement to approve the rezoning request as printed on the agenda. This motion was seconded by Council Member Griffin.

Council Member Cox noted the buffer outlined in the proposal is not consistent with what the staff is requesting [40 foot buffer]. He noted the proposal shows a 20 foot buffer with a 20 foot undeveloped alley. Council Member Cox noted Council should be concerned with the most appropriate use of the property. Council Member Cox spoke in support of more commercial development in this area.

At this time, Ron Horvath offered to add a 40 foot buffer on the property.

Council Member Miller spoke in support of the rezoning request. He noted he also supported mixed and compatible uses and people tend to look at what is convenient to where they live.

Council Member McKissick noted that the only usable acreage is about five and one-half and the remaining acres really cannot be built upon due to the configuration of the site.

Ron Horvath noted his client had marketed this area for some time and sent out information trying to provide commercial for the area. Mr. Horvath noted the lack of interest at the presence for commercial; therefore, his client reviewed the secondary market which is multi-family.

Council Member McKissick asked the applicant if was willing to place a 40 foot buffer on the applicant's property.

Mr. Horvath replied yes.

Council Member McKissick asked staff if there were any other concerns that needed to be addressed.

Dick Hails, of the City/County Planning Department, stated they needed to review the development plan because adding 20 feet to the buffer would probably displace the northern most road parking.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council

Member Jacobs to continue the public hearing without further advertisement to the October 18, 1999 City Council Meeting was approved at 9:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Jacobs, Langley, Larson, McKissick and Miller. Noes: Council Members Cox and Griffin. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-38, CHURCHILL & BANKS, NORTH OF  
THE SHOPPING CENTER PORTION OF THE APPROVED WEST POINT  
VILLAGE PROJECT ON ROXBORO ROAD**

Case: P99-38

Applicant: Churchill & Banks

Location: .86 acre adjacent to and north of the shopping center portion of the approved West Point Village project on Roxboro Road (Tax Map 804-3-6, 7)

Request: Rezoning from R-20 (Residential 20 District) and SC(D) (Shopping Center District with a Development Plan); (Eno-B) to SC(D) (Shopping Center District with a Development Plan); (Eno-B)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out R-20 and SC(D) (Eno-B) and placing same in and establishing same as SC(D) (Eno-B).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponents**

George Stanziale, representing the applicant, stated this request was an addition to an existing development plan which contained a significant number of traffic improvements. He noted an adjustment to the TIA was done. Mr. Stanziale stated he believed they had met all the requests of the planning staff.

No one spoke in opposition.

A motion was made by Council Member Larson to approve the rezoning request. This motion was seconded by Council Member Miller.

Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same

being Chapter 24 of the Durham City Code, by taking the above described property out R-20 and SC(D) (Eno-B) and placing same in and establishing same as SC(D) (Eno-B) was approved at 9:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: ZONING MATTER CASE P99-41, FORT WHITLEY, 2111 GUESS ROAD, BETWEEN GUESS ROAD, BORAD STREET AND HILLCREST DRIVE**

Case: P99-41

Applicant: Ford Whitley

Location: 1.5 acre site located at 2122 Guess Road, between Guess Road, Broad Street and Hillcrest Drive, identified as Tax Map 6, Block 4, Lot 2, 3.

Request: Rezoning from NC (Neighborhood Commercial District) and R-5 (Residential 5 District) to NC(D) (Neighborhood Commercial District with a Development Plan) and R-5(D) (Residential 5 District with a Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out NC and R-5 and placing same in and establishing same as NC(D) and R-5(D).

Zoning Committee's Recommendation and Vote: Approval (7-0)

City Manager's Recommendation: Approval

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

**Proponents**

Gary Wallace, representing the applicant, spoke in support of the request.

Tom Miller, representing the Watts Hospital Hillandale Neighborhood Association, spoke in support of the request. Mr. Miller stated he spoke with Mr. Wallace and has asked him to make minor modifications to the notes as follows: 1) Include a sentence stating the vegetated buffer along the former alley way will be planted with evergreen trees and shrubs to form an effected year round visual screen between the building structure and activities on the subject property; 2) Include a note specifically stating that the building to be constructed on the site will be in substantially conformity with the elevations that are included as a part of the development plan; 3) Include in the note language concerning the 8 foot wall "it will be adequately anchored"; and 4) Also, concerning the note on the development

plan regarding plants to specifically state they will be substantial as they are shown.

Mr. Miller asked the council to approve the rezoning subject to the changes he outlined. He noted Mr. Wallace was in agreement with the amendments.

Gary Wallace stated he was in agreement with the modifications as stated by Tom Miller.

No one spoke in opposition. Mayor Tennyson closed the public hearing.

**MOTION** by Council Member Brown seconded by Council Member Miller to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out NC and R-5 and placing same in and establishing same as NC(D) and R-5(D) was approved at 10:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

#### **[OTHER MATTERS]**

#### **SUBJECT: RECODIFICATION OF THE DURHAM CITY CODE**

To receive a report from the City Clerk.

**MOTION** by Council Member Miller seconded by Council Member Larson to refer this matter to the September 30, 1999 Committee-of-the-Whole Meeting was approved at 10:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

#### **SUBJECT: SENATE BILL 333 CONCERNING BOARDS, COMMITTEES AND COMMISSIONS**

To receive a report from the City Clerk.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this matter to the September 30, 1999 Committee-of-the-Whole Meeting was approved at 10:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: FAIR HOUSING TESTING - NORTH CAROLINA FAIR HOUSING CENTER**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a contract with North Carolina Fair Housing Center in the amount of \$5,000 for fair housing testing in the City of Durham was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

(Note: Contract Scope of Work amended to include: "Conduct ten (10) tests within the City of Durham to determine the level of discrimination faced by Hispanics in the lending market." (Replacement page 1 of contract provided)

**SUBJECT: EMERGENCY RELOCATION PROGRAM CONTRACT - OPERATION BREAKTHROUGH**

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to execute a contract with Operation Breakthrough in an amount up to \$25,000, from Department of Housing and Community Development general funds, to operate an Emergency Relocation Program for Fiscal Year 1999-2000; and

To authorize the City Manager to make changes to the contract language such that the obligations of the parties are not affected was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: BOND COUNSEL REQUESTS FOR QUALIFICATIONS**

To receive a report from the Administration on Bond Counsel Requests for Qualifications.

**MOTION** by Council Member Larson seconded by Council Member Miller to refer this matter to the September 23, 1999 Finance Committee Meeting was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.



**SUBJECT: DURHAM AREA TRANSIT AUTHORITY BOARD - RECEIPT AND  
ACCEPTANCE OF APPLICATIONS**

**MOTION** by Council Member Larson seconded by Council Member Miller to receive and accept applications to fill four **Regular Member** vacancies on the Durham Area Transit Authority Board--three terms will expire March 1, 2000 and one term will expire March 1, 2002 was approved at 10:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: TAXICAB COMMISSION REPORT**

To receive a report from the Taxicab Commission and to take action on the following recommendation of Taxicab Commission--pursuant to Section 22-159.10 of the Durham City Code:

- a. Late Payment/Cancellation of Vehicle Insurance - P.M. Taxi #113 (Ms. LaTanya Moore)

Taxicab Inspector's Recommendation: Revoke operator's license #113 (in accordance with City Code)

Taxicab Commission's Recommendation: Allow Ms. Moore to retain operator's license #113. (Vote 3-0)

**MOTION** by Council Member Larson seconded by Council Member Langley to approve the Taxicab Inspector's Recommendation [revoke operator's license #113] was approved at 10:04 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

- b. Revocation of Operator's License - Bates Cab #120 (Mr. Henry Bates)

Taxicab Inspector's Recommendation: Revoke operator's license #120 (in accordance with City Code)

Taxicab Commission's Recommendation: Revoke operator's license #120. (Vote 3-0)

**MOTION** by Council Member Larson seconded by Council Member Miller to approve the Taxicab Commission's recommendation [revoke operator's license #120] was approved at 10:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement

and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**[SUPPLEMENTAL ITEMS]**

**SUBJECT: BANKING RELATIONSHIP WITH CENTRAL CAROLINA BANK AND MECHANICS AND FARMERS BANK**

To receive a report from the Administration concerning banking relationship with Central Carolina Bank and Mechanics and Farmers Bank.

To authorize the City Manager to enter into a banking relationship with Central Carolina Bank and Mechanics and Farmers Bank.

Nav Gill, Finance Director, made a presentation outlining the following:

**CONSOLIDATED BANKING INITIATIVE**

**Background**

Previous arrangements

Each jurisdiction negotiated individual agreements with banks.

Emphasis primarily on fees.

Account Values

City	\$170,000,000
County	\$200,000,000
Schools	\$ 75,000,000

**Collaborative Banking Arrangement**

City, County and Schools

Goals [Develop a strong, mutually beneficial relationship; Support local business; Strengthen collaborative efforts among City, County and Schools to improve quality of life; and Enhance services received at lower costs]

Examples of relationships: [Investing in downtown redevelopment projects; Partnering with City on capital projects in inner-city neighborhoods; Building new cultural centers and Providing matching funds for grants]

**Redevelopment Activities** 1) Participate in Downtown Master Plan; 2) Identify opportunities to invest in Durham; 3) Act as lead

financial institution and identify investors to finance redevelopment projects; and 4) Increase Community Reinvestment Act commitment by: dedicate employee and give serious considerations for favorable financing terms and rates.

**Additional Financial Expertise** 1) Assist in assesment of real estate transactions; 2) Provide third party evaluation of financial transactions; 3) Lead consortium of financial institutions for economic and community development projects; 4) Share underwriting guidelines to M/WBE; and 5) Act as lead bank for City and County sponsored loan pools.

**Youth and Community Development** 1) Scholarship for youth at risk; 2) Leadership role in Public/Private effort to expand work experience opportunities for disadvantaged youth; 3) Employment opportunities for persons moving from welfare to work; and 4) Outreach and education to Durham community on available banking.

**Banking Services** 1) Depository services; 2) Electronic banking; 3) Check imaging; 4) Controlled disbursements; 5) Positive pay; 6) Electronic payment authorization; 7) Group banking package; 8) Pre-authorized drafts for water and sewer; and 9) Retail lockbox.

**Recommendation** 1) Retain CCB and M&F; 2) Establish partnership with the banks and governments for redevelopment opportunities for the Durham Community.

**Cost: (CCB \$43,700) (M&F \$18,500) - Savings \$7,800**

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Miller.

Council Member Cox stated he would prefer reviewing a contract before voting on the item. Also, he stated he wanted the final agreement to increase participation by both institutions.

City Manager Ewell noted this agreement will help the county and the school system develop a relationship with Mechanics & Farmers.

Nav Gill, Finance Director, explained the correspondent banking relationship.

Several Council Members spoke in support of the manager's recommendation as printed on the agenda.

Council Member Cox requested that the motion be severed.

**MOTION** by Council Member Larson seconded by Council Member Miller to receive a report from the Administration concerning banking relationship with Central Carolina Bank and Mechanics and Farmers

Bank was approved at 10:39 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

Council Member Brown asked if the council would have any kind of interaction with the City Manager relative to the contents of the agreement.

City Manager Ewell noted he would take action as outlined in the presentation given by Finance Director Nav Gill. Also, City Manager Ewell stated he would come back and speak in more detail about each of the items.

Council Member Brown stated she would like to receive additional information to clarify how much money each bank will be receiving.

Mayor Tennyson called for the vote on authorizing the City Manager to enter into a banking relationship with CCB and Mechanics and Farmers Bank.

Council Member Cox asked to be recognized to obtain information from the City Attorney.

Mayor Tennyson called for the vote on the motion.

Council Member Cox asked that the decision of the Chair be appealed. **Motion to appeal the ruling of the Chair Failed** at 10:44 p.m. by the following vote: Ayes: Council Members Langley, Burnette, Cox and Brown. Noes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Griffin, Jacobs, Larson, McKissick and Miller. Absent: Council Members Blyth and Engelhard.

**MOTION** by Council Member Larson seconded by Council Member Miller to authorize the City Manager to enter into a banking relationship with Central Carolina Bank and Mechanics and Farmers Bank was approved at 10:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Members Blyth and Engelhard.

**SUBJECT: CORRECTION OF ACTION TAKEN AT THE SEPTEMBER 7, 1999 CITY COUNCIL MEETING CONCERNING A "REPORT ON SALARY COMPRESSION AND BY-PASSING CAUSED BY SALARY STRUCTURE ADJUSTMENTS IMPLEMENTED IN FY 1999-2000**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to correct City Council action of September 7, 1999 to

read as follows:

To receive a report from the Administration concerning salary by-passing caused by salary structure adjustments implemented for FY 1999-2000; and

To approve the recommendation that employees who will be by-passed receive their 5% merit increase on the date that they will be by-passed. The employee being by-passed will receive the adjustment only if they are performing their duties in a satisfactory manner at the time of the award [this option would cost approximately \$78,300] was approved at 10:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson and McKissick. Noes: Council Member Miller. Absent: Council Member Blyth and Engelhard.

**SUBJECT: GRANT PROJECT ORDINANCE - OPERATION HURRICANE FLOYD**

**MOTION** by Council Member Larson seconded by Council Member Miller to adopt the "Federal Emergency Management Agency Grant Project Ordinance Operation Hurricane Floyd" was approved at 10:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Brown, Burnette, Cox, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: Council Member Blyth and Engelhard.

There being no further business to come before the Council, the meeting was adjourned into closed session.

D. Ann Gray, CMC  
Deputy City Clerk

Margaret M. Bowers, CMC  
City Clerk